

comprises varying a composition of the aerating fluid.

25. (Originally Filed) The method of claim 22 wherein one of the first and second reservoirs are translucent and the step of detecting a characteristic comprises optically detecting a characteristic of the cell culture while the cell culture is in the one of the first and second reservoirs.
26. (Originally Filed) The method of claim 17 wherein the second reservoir is a flexible plastic reservoir having a second opening.
27. (Originally Filed) The method of claim 17 wherein the step of closing the first opening comprises releasably sealing the first opening.

#### **REMARKS**

In the Official Action dated May 20, 2003, the Examiner rejected claims 1, 10 and 13 under §112, and rejected claims 1-27 under nonstatutory obvious-type double patenting. Applicant requests that the Examiner reconsider the rejections in light of the following discussion.

Regarding the §112 rejection, Applicant believes that the claims are clear and unambiguous. Applicant is unsure of what the Examiner believes is ambiguous in the claims. As Applicant's undersigned attorney can best understand, the Examiner contends that the claims are ambiguous because of the slight difference between the recitation of the terms cells and microorganisms in the claim preamble and the recitation of the terms cells and microorganisms in the steps of the claims. Although Applicant believes that this not present any ambiguity, claims 1 and 10 have been amended to conform the terms cell and microorganism in the preamble and the steps of the claim. Accordingly, Applicant requests that the Examiner reconsider the rejection of claims 1 and 10.

Regarding claim 13, claim 13 has been amended to depend from claim

11, which provides antecedent basis for the term "aerating fluid". Accordingly, Applicant requests that the Examiner reconsider the rejection of claim 13.

With regard to the obviousness-type double patenting rejection, Applicant traverses the rejection because the method claims were subject to a restriction requirement in the parent application. Specifically, the parent application was filed with both method and apparatus claims. The claims were subject to a restriction requirement based on the separate patentability of the method and the apparatus claims. In the parent, Applicant elected the apparatus claims and the method claims were made the subject of the present application. Since the present method claims were the subject of a restriction requirement in the parent application, an obviousness-type double-patenting rejection is inappropriate. Accordingly, Applicant requests that the Examiner reconsider the double-patenting rejection.

In light of the foregoing, Applicant believes that this application is in form for allowance. The Examiner is encouraged to contact Applicant's undersigned attorney if the Examiner believes that issues remain regarding the allowability of this application.

Respectfully submitted,

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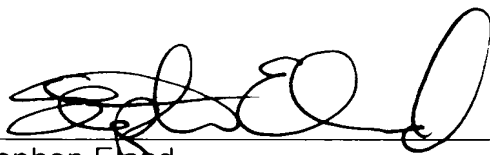
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I hereby certify that this Response and accompanying papers are being

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Stephen Elrod